REMARKS

Claims 1-15 are pending in this application. Claims 1, 9, 10, and 15 stand rejected and claim 1 is objected to. Applicant wishes to thank the Examiner for the indication of allowance of claims 2-8 and 11-14, and the indication of allowable subject matter in claim 1. By this Amendment, claims 1, 9, and 15 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claim 15 in view of the Examiner's comments. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,748020 ("Eifrig"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claims 1 and 9 not present in the cited reference is secondary extracting means which extract from said secondary storage means said plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block. Likewise, claim 9 explicitly recites extracting from said secondary storage section. Said secondary data block to be not processed in accordance with said order of said inputted MPEG data. This feature is not present in Eifrig. The Office Action asserts that the secondary extracting means are disclosed by extracting means 340, 342, 344 and described at column 9, line 15 through column 10, line 3. Applicant

respectfully disagrees. Elements 340, 342, and 344 are audio delay units not secondary extracting means as recited in the claim. Elements 340, 342 and 344 are used to delay an audio portion of the data services not extracted from secondary extracting means as recited in the claims. Further, the disclosure at column 9, merely relates to using a media data flow architecture such that the media data passed through a series of computational processes and cues before it is output. In other words, the data passes through a series of FIFO registers. However, at no time is a secondary extracting means which extracts from said secondary storage means, said plurality of second data not to be processed disclosed. Therefore, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claim 1 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,295 ("Adolph") in view of U.S. Patent No. 5,287,182 ("Haskell"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

As noted by the Office Action, Adolph does not teach secondary storing means which store the number of said first data storing, said primary storing means or said plurality of second data to be not processed. However, the Office Action notes that Adolph discloses a buffer in the video processor portion of the disclosed circuit. To cure the deficiency in Adolph, the Office Action asserts that one would combine Haskell for its teaching of a buffer in an audio processing system. The Office Action asserts that one would be motivated to combine these references since Adolph discloses a buffer to process the MPEG stream and Haskell teaches the use of a buffer for processing audio that one would combine the two processing techniques to arrive at Applicant's claims. This assertion is incorrect.

The system disclosed by Adolph functions without any buffering in the audio data processing arm of the system. It would not have been obvious to delay the

processing of the audio data simply because there is a buffer disclosed in the MPEG processing portion of the circuit.

The claimed combination cannot change the principle of operation of the primary reference, render the reference inoperable for its intended purpose, or change the principle of operation of a reference. See, M.P.E.P. § 2143.01. If the buffer were included in the audio data processing arm of the system, it would change the operation of the disclosed system as the audio and video signals would no longer be synchronized. There would be no motivation to include additional delay the video portion of the circuit merely to unnecessarily delaying the audio processing portion of the circuit. Id. Therefore, Applicant respectfully submits that it would not have been obvious to modify the disclosed system in Adolph with the teaching of Haskell. Thus, Applicant respectfully submits that claims 1 and 10 are allowable over Adolph in combination with Haskell.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: April 25, 2006

Respectfully submitted,

By
Ian R. Blum
Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs